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In re Application of:
HENDRIX, Martin, et al. : DECISION ON RENEWED
U.S. Application No.: 10/519,134 : SUBMISSION UNDER 37 CFR
PCT No.: PCT/EP03/06662 : 1.42 AND PETITION UNDER 37
Int. Filing Date: 25 June 2003 : CFR 1.182 (INVENTOR'S NAME)
Priority Date: 08 July 2002 :
Attorney's Docket No.: Le A 36 080 :
For: HETERO-CYCLICALLY :
SUBSTITUTED :
IMADAZOTRIAZINES :
:

This decision is issued in response to the "Reply To Decision Regarding Submission under 37 CFR 1.42" and the "Petition To Change Name Of Record Of Inventor Under 37 CFR 1.182" filed 20 March 2006. Deposit Account No. 13-3372 will be charged the \$400 petition fee required for the petition under 37 CFR 1.182.

BACKGROUND

The background for this application was set forth in detail in the decision mailed by this Office on 18 January 2004. In that decision, the declaration filed by applicants on 07 October 2005 was found defective for failure to satisfy the requirements of 37 CFR 1.42 and 37 CFR 1.497 in that it did not properly identify all the inventors of record. Specifically, the ninth inventor in the declaration was identified as Dagmar KARTHAUS; this inventor was identified as Dagmar SCHAUSS on the published international application.

On 20 March 2006, applicants filed the "Reply To Decision Regarding Submission under 37 CFR 1.42" and the "Petition To Change Name Of Record Of Inventor Under 37 CFR 1.182" considered herein.

DISCUSSION

1. Petition Under 37 CFR 1.182

Applicants request that the name of the inventor identified in the international application as Dagmar SCHAUSS be corrected to Dagmar KARHAUS, as listed on the declaration filed 07 October 2005. Applicants have submitted the required petition fee, and the petition includes a

statement from the inventor explaining that the inventor's name was changed by marriage. These materials satisfy the requirements for a grantable petition to correct this inventor's name of record from Dagmar SCHAUSS to Dagmar KARHAUS.

2. **Renewed Submission Under 37 CFR 1.42**

As noted in the previous decision, absent the defect in inventor Dagmar SCHAUSS' name, the declaration filed by applicants on 07 October 2005 was sufficient with respect to deceased inventor Ulrich NIEWOHNER. Accordingly, based on the correction of the inventor's name discussed above, the declaration may now be accepted under 37 CFR 1.42.

As also noted in the previous decision, the submission of a declaration executed by the heiress of the deceased inventor is hereby construed as an indication that no legal representative of the deceased's estate has been appointed and that no legal representative is required by the applicable law to be appointed. If this interpretation is incorrect, applicant is required to promptly notify this Office of such and to submit a declaration properly executed by the legal representative of the deceased inventor in response to this decision.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to change an inventor's name is **GRANTED**. The name of record for the inventor identified on the international application as Dagmar SCHAUSS is corrected to Dagmar KARTHAUS.

Applicants' request for status under 37 CFR 1.42 with respect to deceased inventor Ulrich NIEWOHNER is **GRANTED**.

This application is being returned to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 07 October 2005.



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